

UNITED STATES OF AMERICA
WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 23-cr-00040-004
Hon. Jane M. Beckering

VINCENT BROWN,

Defendant.

/

MOTION FOR DOWNWARD VARIANCE

below that recommended by the Government.

NOW COMES Defendant VINCENT BROWN, by and through his attorney, Mark J. Kriger, and moves this Honorable Court to impose a sentence below the calculated Sentencing Guidelines range, and in support of said motion says as follows:

1. He is the defendant in the above-entitled cause, and stands convicted by his plea of guilty to Conspiracy to Commit Bribery; 18 U.S.C. §§ 371 and 666(a)(2).
2. A Presentence Investigation Report has been prepared and furnished to the parties, and defendant's objection thereto have been duly filed and submitted for the Court's decision; as yet, a final decision as to the applicable Sentencing Guidelines calculations, or the resulting Guidelines Sentencing Range, has not been made.

3. Upon information and belief, the Government will be filing a Motion for Downward Departure pursuant to U.S.S.G 5K1.1 requesting that the this Court grant defendant a four level departure from the applicable guideline range.

4. Based on the factors set forth in 18 U.S.C §3553(a) and for the reasons set forth in Defendant's sentencing Memorandum which is hereby incorporated by reference, defendant's respectfully requests that this Court grant defendant a variance below the Government's request for the four level departure based on his substantial assistance.

5. Such a variance is appropriate, as the Defendant's Sentencing Memorandum Brief explains in detail, because a sentence below that recommended by the Government is, within the meaning of 18 U.S.C. § 3553(a) "greater than necessary, to comply with the purposes" of sentencing set forth in that subsection.

WHEREFORE, defendant respectfully prays that this Honorable Court impose a sentence

Respectfully submitted,

s/Mark J. Kriger
LARENE & KRIGER, PLC
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DATED: October 4, 2023

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**MEMORANDUM IN SUPPORT OF
MOTION FOR DOWNWARD VARIANCE**

Issue presented: Whether the Court impose a sentence below the Government's Recommended Sentence?

Principal authorities: *Gall v. United States*, 522 U.S. 38 (2007); 18 U.S.C. § 3553(a).

In support of his Motion for Variance, defendant hereby incorporates by reference his Sentencing Memorandum.

Respectfully submitted,

s/Mark J. Kriger
LARENE & KRIGER, PLC
Attorney for Defendant
1717 Penobscot Building
645 Griswold
Detroit, Michigan 48226
(313) 967-0100

DATED: October 4, 2023

CERTIFICATE OF SERVICE

I hereby certify that on I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing to all counsel of record.

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